REMARKS

Applicant affirms the election of Claims 1-10 and 20. Applicant notes that Claims 1, 5, and 7-10 are free of the prior art.

The Restriction Requirement:

a. Group I and Group II - The non-elected claims in Group II (Claims 11-19 and 21-22) have been withdrawn by the examiner. Reconsideration and withdrawal of the restriction is solicited.

The examiner initially withdrew the claims of Group II on the grounds that an apparatus having only one moveable evaporator could perform the method as claimed in Group I and that the apparatus claims in the claims of Group II required at least two moveable evaporators. In response to the restriction, Applicant amended Claim 11 to obviate the basis for the restriction.

The examiner now restricts the claims of Group II on the grounds that the apparatus claimed may be used for an etching process. Claim 11 is directed to a system for producing optical filters and comprises, *inter alia*, "at least one selectively moveable evaporator." Claim 11 has been further amended to more clearly specify that the claimed system is a "system for producing optical filters **by line-of-sight deposition**" (emphasis added). The examiner's reliance on the fact that the system could be used to perform an etching process is misplaced and ignores the plain language of the claim.

By analogy, a system for attaching two pieces of wood comprising a screw, a screw driver, and glue is not distinct from a method of attaching two pieces of wood by the steps of providing a screw, providing a screw driver, providing glue, and attaching the

wood pieces by applying glue between the wood pieces and driving the screw into the wood with the screw driver, merely because one may elect to attach the wood using only the screws instead of the combination of the screws and the glue. Similarly, the system of Claim 11 is not distinct from the process of Claim 1 merely because one may elect to using only the ion source for etching instead of the combination of the ion source and the evaporator for ion-assisted deposition.

Moreover, there cannot be any undue burden on the examiner in examining the claims of Group II with the claims of Group I. Reconsideration and withdrawal of the restriction of Claims 11-18 and 21-22 is solicited.

b. Group I and Group III - Claim 19 has been amended to specify an optical filter produced by the method of Claim 6. The basis for restricting the claim set forth by the examiner has been obviated by the amendment. Moreover, the examiner cannot show an undue burden in examining Claim 19 with Claims 1-10 and 20. Reconsideration of the restriction and examination of Claim 19 is solicited.

The Section 101 Rejection:

Claims 1, 5, and 7-10 stand rejected under Section 101 as lacking utility on the basis that each of the claims specifies a step for ceasing deposition before target thickness is achieved, but claims achieving target thickness without resuming deposition.

With respect to original Claim 1, the claimed method included the step of "independently reopening the fixtures **to a low rate pulsed deposition** to achieve the target thickness" (emphasis added) with respect to the ion assisted evaporation of the first and second guns. Thus the rejection is improper as to original Claim 1. Additionally,

Claim 1 has been amended to more clearly specify the claimed method. Reconsideration and withdrawal of the rejection is solicited.

With respect to Claims 5 and 7-10, Claims 5 and 7 have been amended to obviate the rejection. Reconsideration and withdrawal of the rejection is solicited.

The Section 112 Rejection:

Claims 1, 5, and 7-10 stand rejected under Section 112, first paragraph, for not being enabled. Reconsideration and withdrawal of the rejection is solicited in view of the comments and amendment related to the Section 101 rejection.

The Section 102 Rejection:

Claims 2, 3, and 6 stand rejected under Section 102 as anticipated by the patent to Debley et al. (U.S. Patent No. 5,529,671). The examiner appears to have mischaracterized what Debley et al. fairly disclose. Moreover, Claims 2, 3, and 6 have been amended to further distinguish over Debley et al. Reconsideration and withdrawal of the rejection is solicited.

Claims 2, 3, and 6 (as amended) are directed to methods for producing an optical filter utilizing line-of-sight deposition, including, inter alia, the step of "providing at least one selectively movable evaporator, the evaporator being positionable at a source deposition location and at a stand-by location spaced from the ion source a distance greater than the distance the source deposition location is spaced from the ion source;" (underlined text added by amendment). Thus each of the claims is directed to a method including the step of providing at least one selectively moveable evaporator. The examiner bases the rejection on the erroneous assertion that the element 51 shown in

Figure 4 of Debley et al. is an evaporator. In fact, the element 51 is a sputtering target and not an evaporator. There is no disclosure or suggestion in Debley et al. of a method for line-of-sight deposition including the step of providing a selectively moveable evaporator as claimed. Without providing such disclosure, Debley fails to anticipate or make obvious Claims 2, 3, and 6.

Moreover, the claims have been amended to further distinguish the claims from Debley et al. The claims as amended specify "the evaporator being positionable at a source deposition location and at a stand-by location spaced from the ion source a distance greater than the distance the source deposition location is spaced from the ion source" which is not disclosed or suggested by Debley et al. Debley et al. merely disclose a system wherein a sputter target 51 may be rotated to expose either material 51' or material 51". Without providing such disclosure, Debley fails to anticipate or make obvious Claims 2, 3, and 6.

Reconsideration and withdrawal of the rejection of Claims 2, 3, and 6 is solicited.

The Section 103 Rejection:

Claims 4 and 20 stand rejected under Section 103 as obvious over Debley et al. in view of Kelley et al. (U.S. Patent No. 4,101,925).

The examiner bases the rejection on the erroneous application of Debley et al. to Claim 3. As set forth above, Debley et al. fails to disclose the method of Claim 3 and thus the rejection of Claims 4 and 20 must be withdrawn.

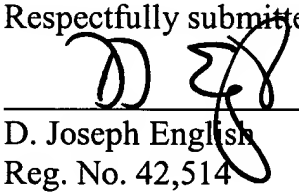
Moreover, Kelley et al. is directed to forming thin films by spreading a molten single-crystal forming material on a substrate and growing the film. The rotation of the

substrate is disclosed as significant in achieving uniform thickness of the film because the centrifugal force resulting from the rotation acts to evenly spread the molten material on the substrate surface. There is no relevance between the teaching of Kelley et al. relied upon by the examiner and the method of sputter deposition taught by Debley et al. Thus there is no motivation to combine the references as asserted by the examiner. Moreover, there is no relevance between the teaching of Kelly et al., or the improper combination of references to the claimed methods of line-of-sight deposition. Reconsideration and withdrawal of the rejection of Claims 4 and 20 is solicited.

Consideration and allowance of new Claims 23-24 is solicited. No new matter has been added.

Consideration and allowance of all claims is solicited.

Respectfully submitted,



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Dated: July 27, 2004

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